

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

ACMA USA, INC.,

Plaintiff/Counterclaim Defendant,

v.

**Civil Action No. 3:08CV0071**

SUREFIL, LLC,

Defendant/Counterclaim Plaintiff.

**EXCERPTS FROM THE DEPOSITION OF  
ROBERT FARMER TO BE READ INTO EVIDENCE**

Pursuant to the Court's Pretrial Scheduling Order, Defendant, Surefil, LLC, served designated deposition testimony of Robert Farmer on Plaintiff, ACMA USA, Inc. ("ACMA"), on October 29, 2008, to which ACMA did not object or serve counter-designations.

Defendant hereby submits the designated deposition testimony of Robert Farmer, which was stenographically recorded on August 20, 2008, to be read into evidence during the trial of this case.

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25 Q. Sir, would you tell us, please, your full name?

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1 A. Robert Farmer.

8 Q. Was there a time in 2006 and 2007 that you did any work for a

9 company called Surefil, LLC located in the Grand Rapids area?

10 A. In 2006, yes.

11 Q. And during what time were you working with Surefil? Do you  
12 remember the beginning month and the ending month?

13 A. Sure. I have a record of it and the days I was there. It  
14 started in January.

15 Q. Of?

16 A. Of 2007.

17 Q. Okay.

18 A. And it's right through my retirement. And it went basically  
19 through, as you will see through my initials in this thing,  
20 to -- you know, through the -- it was summer, and then as  
21 things kind of started working there or whatever, I was going  
22 out there and I have a register of that. The agreement I had,  
23 unless I was there for a full eight hours, I didn't request  
24 any pay for that. So I finally got to the point after, like  
25 -- October, November was about the last time I was out there

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1 a couple of times. Kept in touch and told them, "If you need,  
2 you know, some assistance, I'll help. Give me a call."

3 And so I was basically -- I would go out there for,  
4 you know, two to three hours. And there was always somebody  
5 wanting to talk to me or whatever. And then eventually my  
6 wife was saying, like, "Hey, you're retired; you're supposed

7 to be home helping us baby-sit and do things around the home,"  
8 you know, or whatever. But it was January through the fall  
9 months.

12 Q. Now, I take it, obviously, that you had a career before you  
13 went to work for Surefil?

14 A. Oh, yeah. Forty-four years.

15 Q. Could you summarize for me, please, what you did during those  
16 44 years? I don't need all the details, just a quick view of  
17 the work that you did and for whom you worked.

18 A. I worked -- I was hired directly out of college by Anheuser  
19 Busch. I worked for them for, I think, 13 years in an  
20 engineer capacity. And then I worked -- moved to another  
21 company, Pabst Brewing Company. And there was a gap in  
22 between there. I was in the Philippines for a couple of  
23 years. But basically for 44 years, I've been doing  
24 engineering work, you know, for packaging and process.

25 Q. Now, while you were at Surefil, do you recall Surefil's

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1 putting together a second production line?

2 A. Putting together. It was pretty well a done deal by the time  
3 I became involved. Things had been ordered, layouts had been  
4 made, and so on and so forth.

5 Q. And as a part of that process, did you have any

6 responsibilities that took you to Italy to look at the  
7 filler/capper machine that was intended to be used on that  
8 line two?

9 A. Yes. Once I was kind of -- Bill had gotten me involved with  
10 what was going on. They were putting up a new building next-  
11 door and stuff. I made it apparent to him that I had --  
12 through some major projects years ago, I had worked and  
13 purchased a number of pieces of equipment from ACMA GE  
14 Coriani. In fact, still had quite a few contacts. I felt if  
15 he wanted me to, I could make a couple of phone calls and  
16 maybe see if I can get things back on track.

17 Q. And did your work for Surefil actually take you to Italy?

18 A. Correct.

19 Q. What was the purpose of your traveling to Italy as you  
20 understood it?

21 A. To more or less witness the final assembly and some testing  
22 of change parts and stuff and crating and shipping,  
23 preparation to ship the equipment so we could get it back to  
24 Grand Rapids and install it.

25 Q. Are you familiar with the phrase "factory acceptance test"?

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1 A. FAT. Sure. It's one of four tests. Typically a lot of  
2 pharmaceutical companies have a number of tests leading to

3       that and after that, but, yes.

4 Q. And was that part of your purpose for going to Italy?

6           THE WITNESS: I would say no, because I don't think  
7       they were prepared to do what I would consider a full FAT. I  
8       mean, there's kind of like a statistical procedure that people  
9       follow primarily through the pharmaceutical companies. But my  
10      purpose, I think, was to try to see if we could get the thing  
11      put together and ready to ship.

12     BY MR. BALDWIN:

13 Q. While you were in Italy, did you witness this machine? Did  
14      you -- were you able to look at the machine?

15 A. Sure.

16 Q. Were any tests or operations run with that machine?  
17 A. There was some limited, yes. I mean, I was there  
18      virtually -- I believe it was the 12th or 13th of March,  
19      moved from -- through one of the contacts. They brought me  
20      from Bologna to Mantua and then we went down into the  
21      factory. So we basically went there primarily every day,  
22      every morning, for the entire day and was out on the floor  
23      with a couple of guys working on the machine. And the  
24      technician that they hired for the United States was going  
25      to be assisting in the installation.

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4 Q. Do you recall making any agreement on behalf of Surefil in or  
5 about June of 2007 relating to work done by Mr. Hench or by  
6 anybody else at ACMA there at Surefil?

7 A. June 7th [sic]? No. There was -- probably during that time  
8 frame, there was a number of the issues that had come up  
9 during the installation and start-up and debugging that -- you  
10 know, those guys coming and going. I never made any kind of  
11 agreement or phone calls to those guys, like, "I need you to  
12 be here" or whatever, so --

13 Q. Specifically do you remember ever speaking with Bill Fenner  
14 regarding requesting any kind of assistance at Surefil?

15 A. Not specifically, no. It was from phone calls back and forth,  
16 but, I mean, I think all those people were well aware of  
17 our -- some of the problems and was trying to work with  
18 Surefil.

23 Q. Mr. Farmer, when you were in Italy, do you remember when the  
24 cap fill was delivered to ACMA from the third party who was  
25 manufacturing it?

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1 A. The cap sorter.

2 Q. Yes. I'm sorry.

3 A. There's a difference. It was built by an outside company.

4 I'd have to see a map because we went up there twice. A  
5 couple of hours drive from Coriani north, towards -- anyway  
6 north. It was a company. They actually had a Coriani guy go  
7 up there the morning -- as I recall, the morning we were going  
8 to crate the machine, the big part of the machine, the  
9 capper/filler, and pick it up and bring it back so it could be  
10 part of the shipment.

11 Q. So was the cap sorter ever attached to the complete machine in  
12 Italy?

13 A. No. It was not.

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1 (Marked for Identification - Ex. No. 3)

2 BY MS. WILLIAMS:

3 Q. Mr. Farmer, in the middle of this document right here --

4 A. Uh-huh.

5 Q. -- you see in kind of the bold it says, "Bob Farmer,  
6 bfarmer@surefil.com wrote," and it says, "Neil, we have been  
7 fighting numerous electronic issues for the last several  
8 weeks"?

9 A. Uh-huh.

10 Q. Do you recall writing that e-mail?

11 A. Yeah. I'm trying to put who Neil Adams is now, but -- yes, I  
12 remember this.

13 Q. Okay. At the bottom there --

14 A. Account manager. Okay. Oh, yeah, yeah, yeah. This is the

15 guy from Italy.

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1 Q. So was the camera attached to the complete machine while you  
2 were in Italy?

3 A. Yes. It was not -- it was kind of installed, but it wasn't  
4 really tested in any serious amount.

SUREFIL, LLC,

By /s/ Christine A. Williams  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 14th day of November, 2008, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to:

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